

BASIL SAN DIEGO

NUMBER:

262,944 F

VERSUS

NINTH JUDICIAL DISTRICT COURT

LOUISIANA COLLEGE

RAPIDES PARISH, LOUISIANA

**PETITION FOR DAMAGES**

NOW INTO COURT, through undersigned counsel, comes and appears BASIL SAN DIEGO, of the full age of majority and a resident of the state of Washington, respectfully representing the following:

1.

Made defendant in this petition is the following:

LOUISIANA COLLEGE, a corporation, authorized to do and doing business in the State of Louisiana, who may be served through its agent for service of process, Dr. Rick Brewer, 1140 College Drive, Pineville, LA 71359.

2.

The parties hereto, the subject matter hereof, and all matters and things contained herein are within the jurisdiction of this Honorable Court.

3.

At all times mentioned herein BASIL SAN DIEGO was a student enrolled at LOUISIANA COLLEGE.

4.

The damages for which recovery is sought herein resulted from exposure to toxic chemical vapors that occurred on November 13, 2017, in the organic chemistry lab in Cavanaugh Hall on the campus of LOUISIANA COLLEGE.

5.

LOUISIANA COLLEGE maintained care, custody, and control of the organic chemistry laboratory, the staff, and the chemicals therein.

6.

BASIL SAN DIEGO was working in the organic chemistry lab under the supervision of laboratory assistant Annette Londono and Professor David Elliott.

7.

The negligent instructions and actions of Annette Londono and Dr. David Elliott led to the release of toxic chemical vapors into the air in the organic chemistry laboratory.

8.

BASIL SAN DIEGO was exposed to toxic chemical vapors in the organic chemistry laboratory.

9.

LOUISIANA COLLEGE, through its employees Annette Londono and Dr. David Elliott, knew or should have known of the dangerous nature of the chemical vapors and should have taken appropriate steps to contain the vapors so as to protect the Petitioner from harm.

10.

BASIL SAN DIEGO was free of negligence and did not contribute to the cause of this incident in any way.

11.

Petitioner herein shows that the incident and resulting damages were caused by the fault (C.C. art. 2315) and negligence (C.C. art. 2316) of LOUISIANA COLLEGE in the following non-exclusive particulars:

- (a) Operating and maintaining a business in a manner other than a reasonable, prudent person would have operated it under the same or similar circumstances;
- (b) Negligence of its employees (C.C. art. 2317, 2320);
- (c) Vice, ruin, or defect of things in its care, custody, and control (C.C. 2317.1);
- (d) Maintaining the premises in an unsafe and hazardous condition;
- (e) Failure to post adequate warnings regarding the hazardous condition;

- (f) Failing to comply with applicable codes for the storage of toxic chemicals;
- (g) Failure to train its employees properly in safety and operational procedures;
- (h) Failing to properly maintain the premises in a safe condition; and
- (i) For other acts and omissions to be shown at trial thereof.

12.

If it is shown that the fault and negligence of any person other than LOUISIANA COLLEGE contributed to the incident described herein, petitioner shows that the fault and negligence of LOUISIANA COLLEGE, also contributed to and was the proximate cause of the said incident.

13.

BASIL SAN DIEGO states that because of the incident described herein, he has suffered the following damages:

- (a) Past, present, and future physical pain and suffering;
- (b) Past, present, and future mental pain and suffering;
- (c) Past, present, and future medical care expenses;
- (d) Disability;
- (e) Loss of earnings and earning capacity; and
- (f) Loss of enjoyment of life.

14.

Petitioner shows that it will be necessary to call expert witnesses at the trial of this matter, and that the fees of such witnesses should be set by the Court and should be taxed as costs of this suit against defendant.

WHEREFORE, PETITIONER PRAYS that defendant, LOUISIANA COLLEGE be duly cited to appear and answer this petition, and that it be served with a copy hereof;

That after necessary legal delays and due proceedings had, there would be judgment therein in favor of Petitioner, BASIL SAN DIEGO, and against the defendant, LOUISIANA COLLEGE, for relief for such damages; general, special and exemplary, as may be reasonable,

together with legal interest thereon from the date of judicial demand until paid, and all costs of these proceedings; and

For all other relief, both general and equitable as may be necessary in the premises.

Respectfully Submitted,

**DUDLEY DEBOSIER INJURY LAWYERS** by:

  
\_\_\_\_\_  
Christopher C. Broughton, LA Bar # 30413  
4300 Youree Drive, Suite 250  
Shreveport, LA 71105  
Telephone: (318) 670-7365  
Facsimile: (318) 670-7417  
cbroughton@dudleydebosier.com  
ATTORNEYS FOR THE PETITIONER

**PLEASE SERVE:**

**LOUISIANA COLLEGE**  
Through its agent for service of process:  
**Dr. Rick Brewer**  
1140 College Drive  
Pineville, LA 71359

FILED & RECORDED  
ROBIN L. HOOTER  
CLERK OF COURT  
2018 SEP 14 AM 10:03  
BY:   
DEPUTY CLERK & RECORDER  
E. JONES PARISH, LA

BASIL SAN DIEGO  
VERSUS  
LOUISIANA COLLEGE

NUMBER: 262944  
NINTH JUDICIAL DISTRICT COURT  
RAPIDES PARISH, LOUISIANA

**WRITTEN REQUEST FOR NOTICE  
OF TRIAL AND OF JUDGMENT**

NOW INTO COURT, comes Plaintiff, through undersigned counsel, and requests that he be given ten days notice of the date of trial of the above cause by the Clerk of Court of the above court pursuant to Article 1572 of the Louisiana Code of Civil Procedure and requests written notice of all final judgments and interlocutory judgments pursuant to Articles 1913 and 1914 of the Louisiana Code of Civil Procedure in regard to all hearings held in the captioned matter.

Respectfully Submitted,

**DUDLEY DEBOSIER INJURY LAWYERS** by:

  
\_\_\_\_\_  
Christopher C. Broughton, LA Bar # 30413  
4300 Youree Drive, Suite 250  
Shreveport, LA 71105  
Telephone: (318) 670-7365  
Facsimile: (318) 670-7417  
cbroughton@dudleydebosier.com  
ATTORNEYS FOR THE PETITIONER

**PLEASE SERVE WITH THE PETITION FOR DAMAGES**

FILED & RECORDED  
ROBIE L. HOOTEN  
CLERK OF COURT  
2018 SEP 14 AM 10:03  
BY:   
CLERK & RECORDER  
RAPIDES PARISH, LA.